

GENERAL ORDERS, }
No. 170. }

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, October 28, 1862.

I.. In accordance with the 5th section of the Act approved July 17, 1862, the proceedings of the Military Commission, in the case of *Sely Lewis*, have been submitted to the President of the United States.

II.. The following order promulgates the proceedings in the case:

GENERAL ORDERS, }
No. 75. }

HEADQUARTERS FIFTH DIVISION,
ARMY OF THE TENNESSEE,
Memphis, August 26, 1862.

Before a Military Commission assembled in Memphis, July 28, pursuant to General Orders, No. 63, dated Memphis, July 26, 1862, of which Col. W. H. H. TAYLOR was President, were arraigned and tried:

* * * * *

24. *Sely Lewis*, a citizen.

CHARGE 1st.—“*Smuggling goods through the lines.*”

Specification—“In this; that the said Sely Lewis did, on or about the 18th day of August, 1862, engage one _____ to haul one trunk, one carpet-bag, and one basket, containing boots, snuff, chloroform, and morphine, through the lines, against the order of the General Commanding U. S. Forces at Memphis, Tenn.”

CHARGE 2d.—“*Violation of the 57th Article of War.*”

Specification—“In this; that the said Sely Lewis did, on or about the 18th day of August, 1862, pass through the lines of the U. S. Forces at Memphis, with the intention of visiting the enemy and giving them information. All this at or near the city of Memphis.”

To which the prisoner, Sely Lewis, pleaded—

To the 1st CHARGE, “Not Guilty.”

To the 2d CHARGE, “Not Guilty.”

Of the *Specifications*, “Not Guilty.”

After a careful examination of the testimony in the above case, and after mature deliberation, the Commission are satisfied that the prisoner is,

Of *Specification*, 1st CHARGE, “Guilty.”

Of 1st CHARGE, "Guilty."

Of Specification, 2d CHARGE, "Guilty."

Of 2d CHARGE, "Guilty."

And the Commission are convinced that the prisoner is a Spy.

And therefore unanimously recommend that the Prisoner "*be hanged as a Spy, until he is dead, at such time and place as the Commanding Officer shall direct.*"

* * * * *

In case 24, of *Sely Lewis*, a citizen, convicted of being a Spy, the execution of the sentence will be suspended until the pleasure of the President be made known, according to law. In the meantime he will be carefully guarded, and all communication with him, except in the presence of an officer, be denied him.

BY ORDER OF MAJOR GENERAL W. T. SHERMAN:

J. H. HAMMOND,

A. A. Genl.

III.. The following is the order of the President:

So far as the sentence in the case relates to the accused as a Spy, it is disapproved, the Commission not having jurisdiction of the offense. The sentence of death is mitigated to imprisonment for the term of six months, commencing this day—October 25, 1862.

A. LINCOLN.

IV.. The sentence, as mitigated by the President, will be carried into execution, under the orders of the Commanding General Department of the Tennessee.

BY ORDER OF THE SECRETARY OF WAR:

L. THOMAS,

Adjutant General.

OFFICIAL:

Assistant Adjutant General.

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